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UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 3:11-CV-30171 MAP

IMEDICOR, INC. FKA VEMICS, INC., )  
Plaintiff )  
VS. )  
MASSACHUSETTS MUTUAL LIFE )  
INSURANCE COMPANY, )  
Defendant )

**MOTION IN LIMINE BY IMEDICOR, INC. FKA VEMICS, INC.**

Plaintiff, IMEDICOR, INC. FKA VEMICS, INC. ("Imedicor") files this motion in limine to regulate the admissibility of evidence offered at trial by Imedicor and by Massachusetts Mutual Life Insurance Company ("MassMutual").

**I. Non-Disclosed Evidence.**

A. MassMutual refers to demonstrative evidence in its pre-trial memorandum which is not merely enlarged copies of documents but which is a video or chart containing information which has never been disclosed to Imedicor. See Fed. R. Civ. P. 26. For this reason such evidence should be inadmissible.

**II. Evidence of Damages**

A. MassMutual disclosed no computation of each category of damages it claims as required by Fed. R. Civ. P. 26.(1)(iii), except for Amended Counterclaim paragraph #5, "in excess of \$490,850 for goods and services which Vemics has failed to provide." Any evidence in support of damages which cannot be awarded is inadmissible.

*Denied without prejudice. Having reserves reserved by this motion may be addressed through a motion at the close of evidence, or may be more properly dealt with at trial. Sincerely, Michael B. Dunn LMDT 5-2-13*